(1)
Supreme Court
FILE
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OFFICE OF THE CLERK

No.

IN THE

Supreme Court of the United States

John F. Bureau Jr.,

Petitioner,

vs.

Syntegra (USA), Inc., and
Minnesota Commissioner of Employment
And Economic Development,

Respondents.

On Petition For Writ of Certiorari
To The Minnesota Court of Appeals

PETITION FOR A WRIT OF CERTIORARI

John F. Bureau Jr.
Pro Se
P.O. Box 11196
St. Paul, MN 55111
(612) 229-7549

QUESTIONS PRESENTED

1. Did the lower court err in determining that Petitioner had engaged in employment misconduct, thereby disqualifying him from receiving unemployment benefits, in light of the clear mandate in the applicable statute that provides, as applied in this case, that the conduct at issue was not employment misconduct?

LIST OF PARTIES TO THE PROCEEDINGS BELOW

The caption of this matter contains the names of all of the parties to the proceeding in the Minnesota Court of Appeals, whose judgment is sought to be reviewed. The contact information for all parties is as follows:

John F. Bureau Jr.
P.O. Box 11196
St. Paul, MN 55111
(612) 803-6532

Syntegra (USA) Inc.
C/O TALX UCM Services, Inc.
P.O. Box 283
St. Louis, MO 63166-0283
(314) 997-2100

Minnesota Commissioner of Employment &
Economic Development
Lee B. Nelson
390 Robert Street North
St. Paul, MN 55101
(651) 296-6110
Attorney for Respondent-Commissioner

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PETITION FOR A WRIT OF CERTIORARI

Petitioner John F. Bureau Jr. (hereinafter "Petitioner") respectfully petitions that a writ of certiorari issue to review the May 24, 2004 decision of the Minnesota Court of Appeals in this matter.

OPINIONS BELOW

The Minnesota Court of Appeals' decision (Appendix at A-1) is dated May 25, 2004, and is unpublished, but is available on Westlaw (2004 WL 1152694 (Minn. Ct. App. 2004)). The Minnesota Supreme Court denied review of the Minnesota Court of Appeals' decision on August 17, 2004, and certified its decision on September 8, 2004. This decision, attached at Appendix, A-16, was unpublished. The initial decision issued by the office of Respondent Minnesota Commissioner of Employment and Economic Development (hereinafter "Respondent Commissioner") dated February 7, 2003, awarding Petitioner unemployment benefits, is attached at Appendix, A-5. The subsequent decision of the unemployment law judge with Respondent Commissioner's office, dated April 15, 2003 and reversing the earlier decision and denying unemployment benefits to Petitioner, is attached at Appendix, A-7. The decision of Respondent Commissioner dated July 8, 2003, affirming the decision of the unemployment judge, is attached at Appendix A-11.

JURISDICTION

The Minnesota Court of Appeals' decision of which review is sought was rendered in an opinion filed on May 25, 2004. The decision of the Minnesota Supreme Court denying Petitioner's Petition for Review was filed on August 17, 2004

and certified on September 8, 2004. This Court has jurisdiction to review the judgment of the Minnesota Court of Appeals by writ of certiorari pursuant to 28 U.S.C. § 1257(a).

STATUTES INVOLVED

This case directly involves the terms of the Minnesota Unemployment Compensation Act, Minn. Stat. Ch. 268.

STATEMENT OF THE CASE

This case presents a factual scenario, likely to recur, in which employees are unlawfully denied unemployment compensation benefits. Critical issues exist concerning how to deal with such situations in keeping with the purpose of the Minnesota Unemployment Compensation Act.

I. THE FACTS MATERIAL TO THIS COURT'S CONSIDERATION OF THE QUESTION PRESENTED.

Respondent Syntegra (USA), Inc. (hereinafter "Respondent Syntegra") employed Petitioner from July of 2000 to January of 2003. Shortly after Petitioner commenced employment, Respondent Syntegra cosigned a credit card application with Petitioner to allow him to obtain a credit card, which he could use for business-related expenses. Petitioner's supervisors at Respondent Syntegra told him that he could use the credit card for personal expenses in addition to business-related expenses. Petitioner satisfactorily performed his employment-related duties for nearly two and a half years, and used the credit card for personal expenses without incident until December of 2002.

From October 2002 until December of 2002, Petitioner incurred personal expenses on the credit card due to an accident which caused significant damage to his home. Petitioner was unable to pay all of these expenses in time to avoid a one-time delinquency charge of $312.41 which the credit card company levied. Respondent Syntegra discharged Petitioner at the beginning of January 2003, purportedly due to violation of the company's credit card policy.

Petitioner filed a claim for unemployment benefits with the office of Respondent Commissioner effective January 13, 2003. A department adjudicator with Respondent Commissioner's office initially determined that Petitioner was discharged for reasons other than employment misconduct. Respondent Syntegra, however, appealed that decision, and an unemployment law judge reversed this determination, concluding that Petitioner had been discharged for employment misconduct, thereby disqualifying him from receiving benefits. Respondent Commissioner affirmed the decision of the unemployment law judge.

II. THE MINNESOTA COURT OF APPEALS' DECISION.

Petitioner appealed, by writ of certiorari, to the Minnesota Court of Appeals, which affirmed the Commissioner's ruling by way of a decision, issued May 25, 2004. The Court of Appeals held that Respondent Syntegra had discharged Petitioner for employment misconduct as a matter of law.

The Court of Appeals stated that under Section 268.095, subd. 4(1) of the Minnesota Unemployment Compensation Act, any employee discharged for employment misconduct is disqualified from receiving unemployment benefits. Pursuant to Section 268.095, subd. 6 of the Minnesota Statutes, the Court of Appeals stated that "employment misconduct" must be "intentional and disregard either standards of behavior the employer has a right to expect or the employee's duties and obligations to the employer." The Court of Appeals recognized that although the question of whether or not an employee committed an act at issue is a question of fact, the question of whether the act amounts to "employment misconduct" is a question of law. Under these standards as stated, the Court of Appeals held that by failing to timely pay the personal expenses incurred on the credit card, Petitioner had committed employment misconduct as a matter of law.

Petitioner filed a Petition for Certiorari with the Minnesota Supreme Court, seeking review of the Minnesota Court of Appeals' decision. The Minnesota Supreme Court denied review on August 17, 2004.

REASONS FOR ALLOWANCE OF THE WRIT

This Court should review the decision of the Minnesota Court of Appeals because its decision was clearly erroneous under the terms of the Minnesota Unemployment Compensation Act.

Under Section 268.095, subd. 4(1) of the Minnesota Unemployment Compensation Act, any employee discharged for employment misconduct is disqualified from receiving unemployment benefits. Minn. Stat. § 268.095, subd. 4(1).

Pursuant to Section 268.095, subd. 6 of the Minnesota Statutes, "employment misconduct" is defined as:

> [A]ny intentional, negligent or indifferent conduct, on the job or off the job (1) that evinces a serious violation of the standards of behavior the employer has the right to reasonably expect of the employee, or (2) that demonstrates a substantial lack of concern for the employment.

Minn. Stat. § 268.095, subd. 6. Minn. Stat. § 268.095, subd. 6, also 4 provides, however, that single incident of deficient conduct does not constitute employment misconduct. Specifically, the statute provides, in relevant part, as follows:

> Inefficiency, inadvertence, simply unsatisfactory conduct, a single incident that does not have a significant adverse impact on the employer,[or] conduct an average reasonable employee would have engaged in under the circumstances... are not employment misconduct.

Minn. Stat. § 268.095, subd. 6. Although the question of whether or not an employee committed an act at issue is a question of fact, the question of whether the act amounts to

"employment misconduct" is a question of law. Scheunemann v. Radisson South Hotel, 562 N.W.2d 32, 34 (Minn. Ct. App. 1997).

In holding that Petitioner had engaged in employment misconduct as a matter of law, the Minnesota Court of Appeals ignored the mandate in Section 268.095, subd. 6, that a single incident that does not have a significant adverse impact on the employer cannot constitute employment misconduct. Petitioner's one-time failure to pay the credit card bill in December of 2002 did not create a "significant, adverse impact" on Respondent Syntegra. *See* Minn. Stat. § 268.095, subd. 6.

Moreover, the Court of Appeals ignored the fact that Petitioner's supervisor had informed Petitioner that he could charge personal expenses on the credit card, and that Petitioner had charged personal expenses on the credit card for nearly two years without challenge from Respondent Syntegra. In addition, Petitioner's inability to pay the credit card bill in December of 2002 was unintentional, and the charges were incurred as a result of an accident which caused significant damage to his home and not through any "intentional, negligent, or indifferent conduct" on the part of Petitioner. Accordingly, the act at issue – the failure to pay for personal expenses on the credit card – was not "negligent" nor "conduct an average reasonable employee would have engaged in under the circumstances," and did not amount to employment misconduct as a matter of law. *See* Minn. Stat. § 268.095, subd. 6.

In short, the Minnesota Court of Appeals clearly erred In its application of Section 268.095, and erroneously affirmed the decision of Respondent Commissioner, denying

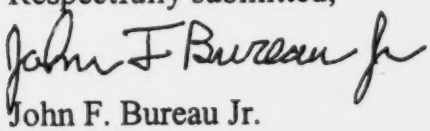
Petitioner unemployment benefits. When the Court of Appeals ruled, it sent a message to employers across the State of Minnesota that they can take advantage of any unfortunate circumstances that an employee encounters, and discharge them without incurring liability for unemployment benefits. This Court should review that decision as an opportunity to correct a grave injustice to Petitioner, and to prevent further miscarriage of justice in the future.

CONCLUSION

The petition for a writ of certiorari should be granted.

December 7, 2004.

Respectfully submitted,



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This opinion will be unpublished and
May not be cited except as provided by
Minn. Stat. § 480A.08. subd. 3 (2002).

STATE OF MINNESOTA
IN COURT OF APPEALS
A03-1065

John F. Bureau, Jr.,
Relator,

vs.

Syntegra (USA), Inc.,
Respondent,

Commissioner of Employment and Economic Development,
Respondent,

Filed May 25, 2004
Affirmed
Anderson, Judge

Department of Employment and Economic Development
File No. 3741 03

John F. Bureau Jr., 720 Mercury Drive West, Shoreview, MN 55126 (pro se relator)

Syntegra (USA) Inc., c/o Talx UCM Services Inc., P.O. Box 283, St. Louis, MO 63166-0283 (respondent)

Lee B. Nelson, Minnesota Department of Employment and Economic Development, 390 Robert Street North, St. Paul, MN 55101 (for respondent commissioner)

Considered and decided by Hudson, Presiding Judge, Anderson, Judge; and Stoneburner, Judge.

UNPUBLISHED OPINION

G. BARRY ANDERSON, Judge

Relator John Bureau challenges the decision of the representative of the Commissioner of the Minnesota Department of Employment and Economic Development (department) that respondent Syntegra (USA), Inc. discharged him from employment for misconduct. A department adjudicator initially determined that relator was discharged for reasons other than misconduct and was therefore eligible to receive unemployment benefits. Syntegra appealed that decision. A department unemployment law judge reversed the department adjudicator's determination, concluding that Syntegra discharged Bureau for misconduct thus disqualifying Bureau from receiving unemployment benefits. Bureau appealed to the department's representative of the commissioner. The commissioner's representative affirmed the decision of the unemployment law judge. Bureau now appeals, by writ of certiorari, the commissioner's representative's decision. We affirm.

FACTS

Respondent Syntegra employed Bureau from July 2000 until January 2003. Because Bureau's position at Syntegra required him to travel, Syntegra authorized Bureau to apply for a corporate credit card. Bureau applied for the credit card, but his poor credit history precluded him from receiving approval by the credit card company. Because Bureau could not receive approval based on his own credit history, Syntegra cosigned the credit card application. Syntegra explained to Bureau that it was his responsibility to pay the monthly bill for the credit card and that Syntegra would then reimburse him for actual business expenses. Syntegra advised Bureau that he could not carry over balances on the card from month to month.

From the end of October 2002 until the end of December 2002, Bureau incurred over $11,300 in personal charges on his corporate credit card. Shortly before the bill became due at the end of December, Bureau informed Syntegra that he would be unable to pay the balance. When Bureau did not make the December payment on his bill, the credit card company levied a $312.41 delinquency charge. Syntegra discharged Bureau in January 2003 for violating the company's credit card policy.

DECISION

Bureau argues he should not be disqualified from receiving unemployment benefits because (1) the misconduct, if any, was isolated; (2) other company witnesses testified that charging personal expenses on their

corporate credit card was acceptable behavior; and (3) the incident was inadvertent. The commissioner's representative determined that Bureau was discharged from employment for misconduct because Bureau charged significant personal expenses on his corporate credit card, failed to pay the credit card bill, and knew or should have known that the corporate credit card was for business expenses only. Concluding that no exception to disqualification applied, the commissioner's representative determined that Bureau was disqualified from receiving unemployment benefits. We agree.

An employee discharged for misconduct is disqualified from receiving unemployment benefits. Minn. Stat. § 268.095, subd. 4(1) (2002). HOUSTON V. Int'l Data Transfer Corp. sets forth a two-prong analysis to determine whether an employee's actions constitute "employment misconduct" under Minn. Stat. § 268.095, subd. 6 (2002). 645 N.W.2d 144, 149-50 (Minn. 2002). The employee's misconduct "must (1) be intentional and (2) disregard [either] standards of behavior the employer has a right to expect or the employee's duties and obligations to the employer." Houston, 645 N.W.2d at 149. In cases of employee misconduct, "[w]hether an employee engaged in conduct that disqualifies the employee from unemployment benefits is a mixed question of fact and law." SCHMIDGALL V. Filmtec Corp.,644 N.W.2d 801, 804 (Minn. 2002). Whether or not the employee committed the act alleged to be misconduct is a fact question, but whether that act is employment misconduct is a question of law. Scheunemann v. Radisson South Hotel, 562 N.W.2d 32, 34 (Minn. App. 1997). A reviewing court generally defers to the commissioner's representative's factual findings, but the reviewing court exercises independent judgment with respect to question of law. Ress v. Abbott Northwestern Hosp. Inc., 448 N.W.2d 519, 523 (Minn. 1989).

Here, the commissioner's representative found that relator's employer cosigned for relator's corporate credit card and told relator that he could not carry over a balance on the credit card. Relator charged $11,360.27 in personal expenses to his corporate credit card and then told his superiors he would be unable to pay the balance on the bill when it came due at the end of the month. The credit card company assessed a late fee for the overdue balance.

Because the record reasonably supports the commissioner's factual findings, we will not disturb these findings. See Ress, 448 N.W.2d at 523 (stating that the appellate court defers to the commissioner's representative's factual findings). After a de novo review, we conclude that Bureau committed employment misconduct as a matter of law. Bureau is therefore disqualified from receiving unemployment benefits.

Affirmed.

s/_____.

5/18/04 Barry Anderson

MINNESOTA DEPARTMENT
OF ECONOMIC SECURITY
DETERMINATION OF NONDISQUALIFICATION

MAILING DATE: 02/07/03
SEP/REF DATE: 01/13/03

BUREAU, JOHN JR F
720 MERCURY DR W
SHOREVIEW MN 55126

	CLAIMANT SSN:	EMPLOYER #:
SYNTEGRA(USA)INC C/O TALX UCM SERVICES INC PO BOX 283 ST. LOUIS MO	468-02-2367	1299304-001
ACCOUNT 5315509283	DATE: 01/12/03	CLAIM ID 31
		ISSUE ID: 02

ADJUDICATOR: M. ESTELA H. PHONE: 651-634-5050

CITATION:

Minnesota Statute 268.095, Subdivisions 4 and 6, provide in part that an applicant who was discharged from employment shall not be disqualified from benefits except when the applicant was discharged because of employment misconduct. "Employment misconduct" means:

"(1) any intentional conduct, on the job or off the job, that disregards behavior that an employer has the right to expect of the employee or disregards the employee's duties and obligations to the employer; or

(2) negligent or indifferent conduct, on the job or off the job, that demonstrates a substantial lack of concern for the

employment... Inefficiency, inadvertence, simple unsatisfactory conduct, poor performance because of inability or incapacity, or absence because of illness or injury with proper notice to the employer, are not employment misconduct."*

FINDINGS:

The applicant was discharged from this employer for using the company charge card for personal use which violated company policy. The applicant stated he had been using the company credit card for personal use for the last two years with his manager's approval and with the understanding that he would pay his personal charges by the end of each month. The applicant was not made are that his job was in jeopardy due to his actions. Based on the available information, it is determined the applicant was discharged for reasons not amounting to willful employment misconduct.

EFFECT ON THE CLAIMANT:

The applicant is not disqualified from receiving benefits.

EFFECT ON THE EMPLOYER:

Benefits paid, if any, to the applicant will be charged to the employer's

A RIGHT OF APPEAL IS INCLUDED AS PART OF THIS DOCUMENT

FORM NUMBER MDES-L31 CLMT COPY

MINNESOTA DEPARTMENT OF ECONOMIC SECURITY
Appeal Number 3741 03

In the Matter of:

JOHN JR F BUREAU,

Applicant,

v.

NOTICE OF FINDINGS OF FACT AND DECISION

SYNTEGRA (USA) INC,

Employer.

The determination under appeal is Reversed.

APPEARANCES

The appeal of the employer was heard on April 3, 2003 at North St. Paul, Minnesota. The applicant testified. Two witnesses testified for the employer.

ISSUE(S)

Whether the applicant was discharged because of employment misconduct.

FINDINGS OF FACT

(1) The applicant worked full time for the employer from July 13, 2000 until January 13, 2003 as a software system tester for a final salary of $79,000.00.

(2) When the employer hired the applicant, the employer assigned the applicant to do a substantial amount of traveling for the employer. The applicant was unable to get a personal credit card and was unable to travel without a credit card. The employer agreed to co-sign on a credit card issued to the applicant so long as the card was only used for business expenses and so long as the applicant paid the total amount owing on each monthly statement.

(3) The basement of the applicant's home was flooded with sewer water in August 2002. The applicant was forced to move out of his home in October 2002, because of the problems related to the flooding.

(4) During October and November 2002, the applicant incurred substantial expenses because of the problems with his residence. The applicant charged many of these expenses on the credit card described above. The applicant charged more than $7,000.00 to the card in October 2002 and more than $3,000.00 to the card in November 2002. These were all personal expenses.

(5) In November 2002, the applicant disclosed to his supervisor that he could not pay the amount owing on his latest credit card bill. The supervisor discussed the problem with others in the employer's management. In December 2002, the employer took the credit card from

the applicant and asked the applicant to pay the charges owing on the account. The amount owing was now more than $11,000.00 The applicant said that he could not pay the amount at once but offered to pay the amount in installments. The supervisor said that an installment plan was unsuitable to the employer and the applicant was discharged if he could not pay the amount owing on the credit card account in full. The employer discharged the applicant effective January 13, 2003.

REASONS FOR DECISION

Minnesota Statutes §268.095, Subdivision 4, in part provides:

"An applicant who was discharged from employment by an employer shall not be disqualified from any unemployment benefits except when:

(1) the applicant was discharged because of employment misconduct;...

Subdivision 6, in part provides:

"(a) Employment misconduct means:

(1) any international conduct, on the job or off the job, that disregards the standards of behavior that an employer has the right to expect of the employee or disregards the employee's duties and obligations to the employer; or

(2) negligent or indifferent conduct on the job or off the job, that demonstrates a substantial lack of concern for the employment.

(b) Inefficiency, inadvertence, simple unsatisfactory conduct, poor performance because of inability or incapacity, or absence because of illness or injury with proper notice to the employer, are not employment misconduct."

Subdivision 10, in part provides:

"(a) A disqualification from the payment of all unemployment benefits under subdivisions 1, 4, and 8 shall be for the duration of the applicant's unemployment and untill the end of the calendar week that the applicant had total earnings in subsequent covered employment of eight times the applicant's weekly benefit amount.

(b) Any disqualification imposed under subdivision 1 and 4 shall begin on the Sunday of the week that the applicant became separated from employment. Any disqualification imposed under subdivision 8 shall begin on the Sunday of the week the applicant failed to apply for, accept, or avoided employment."

Appeal Number 3741 03

Business purposes. Even if the applicant's testimony is true, he still substantially violated the employer's reasonable policy by incurring debts that he knew he could not pay off each month. It is unfortunate that the applicant incurred such substantial expenses when his basement flooded, but he had no right to shift the burden of those expenses to the employer. The applicant's actions in running up these debts and then failing to pay them off shows a lack of concern for the interests of the employer and is misconduct.

DECISION

On January 13, 2003, the applicant was discharged because of employment misconduct. The applicant is disqualified until the end of the calendar week that the applicant has total earnings in subsequent covered employment of eight times the applicant's weekly benefit amount. Benefits paid, if any, to the applicant after January 13, 2003, shall not be used in computing the future tax rate of the employer.

The determination under appeal is Reversed.

s/_____
Dated: April 15, 2003 JEFFRY A BRUCE
Unemployment Law Judge

NOTICE TO APPLICANT: If you have been paid unemployment benefits for periods of time this decision holds you denied, you will be considered overpaid those unemployment benefits. You will be required to repay any overpaid unemployment benefits to the Minnesota Unemployment Insurance Program Trust Fund.

Decision: **Reversed**
Program: UI Type: Separation Issue ID: 2
Soc. Sec. No.: **468-02-2367**
Account Date: **01-12-03** Area Office No.: 0188
Employer Account No.: **1299304-001**
Appeal Date: March 6, 2003
Skb

MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT
Appeal Number 3741 03

In the Matter of:

JOHN F BUREAU JR,

Applicant,

and

SYNTEGRA (USA) INC,

Employer.

DECISION ON APPEAL TO THE REPRESENTATIVE OF THE COMMISSIONER

This matter came on for *de novo* review by the Representative of the Commissioner pursuant to Minnesota Statutes §268.105, Subdivision 2, as a result of an appeal filed by JOHN F BUREAU JR on May 12, 2003.

This matter has been decided based on the evidence received into the record by a department unemployment law judge and after considering any written arguments that have been submitted. In accordance with the requirements of Minnesota Statutes §268.105, Subdivision 2(c), this decision is issued independent of the findings of fact and decision of the department's unemployment law judge.

Based upon the evidence, the Representative of the Commissioner makes the following:

FINDINGS OF FACT

John Bureau was employed by Syntegra (USA) Inc. from July 13, 2000, through January 13, 2003. He was employed as a software system tester.

Because Bureau was required to travel, Syntegra authorized him to apply for a corporate credit card. He was unable to qualify for the card on his own, so Syntegra co-signed on his account. He was advised that the card was for business use only, and that he was required to pay off the balance monthly.

In August 2002, Bureau's home was flooded with sewer water. In October 2002, he was forced to move out of his home due to mold. He charged the clean-up work, hotel costs, and meals to his corporate credit card. During October and November 2002, he charged $11,360.27 in personal expenses.

In November 2002, Bureau advised his supervisor that he was unable to pay the balance on his credit card bill.

In December 2002, Bureau was asked to turn in his credit card, and advised that he needed to pay the remaining balance. He proposed a payment plan, but Syntegra did not approve it. In the meantime, Syntegra received a past-due notice for Bureau's corporate credit card and incurred a $312.41 delinquency charge.

On January 13, 2003, Bureau was discharged.

REASONS FOR DECISION

John Bureau was discharged from Syntegra (USA) Inc. Under Minnesota Statutes §268.095, subdivision 4, clause (1), when an individual is discharged from employment, his is disqualified from the payment of unemployment benefits if he has been discharged because of employment misconduct. Minnesota Statutes §268.095 subdivision 6(a) defines employment misconduct as intentional conduct on or off the job, that disregards the standards of behavior that the employer has a right to expect, or disregards the employee's duties and obligations to the employer. Employment misconduct is also defined as negligent or indifferent conduct that demonstrates a substantial lack of concern for the employment.

Bureau charged significant personal expenses on his corporate credit card, and then failed to pay the bill. Because Syntegra was a co-signer on Bureau's account, his actions made them liable for these expenses. Bureau knew or should have known that his corporate card was for business expenses only. His continued misuse of his corporate credit card evinced an intentional disregard for his duties and obligations to the employer.

A disqualification from unemployment benefits under Minnesota Statutes §268.095 begins the Sunday of the week of the applicant's separation from employment and lasts for the duration of the applicant's unemployment and until the applicant has had earnings from subsequent covered employment of eight times the applicant's weekly benefit amount.

DECISION

On January 13, 2003, John Bureau was discharged from employment with Syntegra (USA) Inc. because of employment misconduct. Bureau is disqualified from the payment of unemployment benefits.

If Bureau satisfies the disqualification, any unemployment benefits paid shall not, under Minnesota Statutes §268.047, subdivision 3, be used in computing the future unemployment tax rate of Syntegra (USA) Inc.

s/_____

Dated: July 8, 2003 KEITH E GOODWIN
Representative of the Commissioner

STATE OF MINNESOTA **JUDGMENT**

John F. Bureau, Jr., Relator, vs. Syntegra (USA), Inc., Respondent, Commissioner of Employment and Economic And Economic Development, Respondent

Court of Appeals

Appellate Court #A03-1065

Trial Court # 3741 03

Pursuant to a decision of Court of Appeals duly made and entered, it is determined and adjudged that the decision of the Department of Employment and Economic Development herein appealed from be and the same hereby is affirmed and judgement is entered accordingly. A certified copy of the entry of judgement and the court's decision is herewith transmitted and made part of the remittitur.

Dated and signed: September 8, 2004 FOR THE COURT

Attest:
Frederick K. Grittner
Clerk of the Appellate Courts

By: s/_____
Assistant Clerk

STATE OF MINNESOTA COURT OF APPEALS

TRANSCRIPT OF JUDGMENT

I, Frederick K. Grittner, Clerk of the Appellate Courts, do hereby certify that the foregoing is a full and true copy of the Entry of Judgment in the cause therein entitled, as appears from the original record in my office; that I carefully compared the within copy with said original and that the same is a correct transcript therefrom.

Witness my signature at the Minnesota Judicial Center,
In the City of St. Paul September 8, 2004
Dated

Frederick K. Grittner
Clerk of the Appellate Courts

By: s/_____
Assistant Clerk

STATE OF MINNESOTA

OFFICE OF APPELLATE COURTS

IN SUPREME COURT

A03-1065

AUG 17 2004

FILED

John F. Bureau, Jr.,

Petitioner,

vs.

Syntegra (USA), Inc.,

Respondent,

Commissioner of Employment and Economic Development,

Respondent.

ORDER

Based upon all the files, records and proceedings herein,

IT IS HEREBY ORDERED that the petition of John F. Bureau, Jr., for further review be, and the same is, denied.

Dated: August 17, 2004

BY THE COURT:

s/_____

Kathleen A. Blatz

Chief Justice